

## OFFICIAL COUNCIL PROCEEDINGS

A regular meeting of the City Council of the City of Menomonie, Dunn County, Wisconsin, was held in open session on June 21, 2010, and called to order by Mayor Knaack at 7:00 p.m. in the Dunn County Board Room, First Floor, Room 122/124, Dunn County Government Center. The following members were present: Smith, White, Soviak, Kemp, Riedel, Schwebs, Kolve, Solberg, Brogan and Gabriel. Beety was absent.

MOTION was made by Schwebs, seconded by Kolve, and carried to approve the minutes of the June 7, 2010 meeting.

PUBLIC COMMENTS The following people spoke in support of the Planned Unit Development (PUD) proposal by AHMC Asset Management at 503 South Broadway (former Leever's Super Market site) for a mixed use development called the Menomonie Gateway project:  
Lois Flis; Rebecca Kilde; Bill Ostwald; Bruce Trimble; and Kristin Schenck.

Merry Lienau, President of the Board of Directors of the Greater Menomonie Area Chamber of Commerce, read a statement on behalf of the Chamber of Commerce which stated that it supports economic development and free enterprise and encourages Chamber members to individually express their interest relating to the proposed development.

The following people spoke in opposition to the proposed development: Karen Hansen; and Tim Williamson.

Wendy MacDougall, Director and Health Officer at the Dunn County Health Department, spoke in support of the proposed ordinance relating to the Wisconsin Smoke-Free Law and requested that the proposed City ordinance has a clear definition of "enclosed area".

MOTION was made by Solberg, seconded by Brogan, and carried to suspend the rules and extend the time limit for public comments.

The following people spoke in opposition to the proposed development: Tiffany Williamson; Jay Williamson; and Doug Larson.

Oday Battah announced he was available to answer questions regarding the request from family members to operate an ice cream truck and sell products on city right-of-way.

Sean Bujold, on behalf of Sustainable Dunn, stated that he is in favor of the development of the former Leever's site but has concerns with the current plans as submitted.

MOTION to over-ride the June 11, 2010, veto by Mayor Knaack regarding the Menomonie Gateway Project Planned Unit Development approved by the City of Menomonie Common Council on June 7, 2010 was made by Smith, seconded by Gabriel, and carried unanimously on roll call vote.

MOTION to decline the request from Nancy Khang (and others) to sell food two-three (2-3) days a week in Wilson Park from June through September was made by White, seconded by Brogan, and carried on the following roll call vote: Ayes: Smith, White, Kemp, Riedel, Schwebs, Kolve, Solberg and Brogan. Noes: Soviak and Gabriel. (Request declined)

MOTION was made by Solberg, seconded by Brogan, and carried to postpone action on the request to operate an ice cream truck and sell products on city right-of-way. The Council requested the Administration to identify streets where sales should be prohibited and develop guidelines for these types of sales.

MOTION was made by Brogan, seconded by Solberg, and carried to suspend the rules to hear from Lue Vang regarding his request for food and beverage sales in Wakanda Park.

Lue Vang, representing the Hmong Menomonie Alliance Youth (HMA Youth) of the Hmong Menomonie Alliance Church, described the proposal to host a volleyball tournament at the beach area of Wakanda Park on July 17, 2010.

MOTION was made by Solberg, seconded by White, and carried to approve the request from the Hmong Menomonie Alliance Church to have food and beverage sales at the beach area in Wakanda Park on July 17, 2010.

ORDINANCE regarding the ban on smoking in places of employment and public and other places pursuant to 2009 Wisconsin Act 12 ("Wisconsin's Smoke-Free Law") was introduced by Solberg. MOTION to waive the first reading of the ordinance was made by Brogan, seconded by Smith, and carried. MOTION to waive the second reading was made by Brogan, seconded by Solberg, and carried. MOTION to adopt the ordinance was made by Solberg, seconded by Kemp, and carried.

BIDS were received for 2010 Sidewalk Improvements as follows:

- ▶ Flatwork Specialists - \$58,316.16
- ▶ Swoboda Construction - \$59,002.23
- ▶ Pember Companies - \$62,764.50
- ▶ CR Cook’s Concrete - \$64,919.50
- ▶ Harmon Concrete - \$73,251.00
- ▶ Accurate Construction - \$86,830.50
- ▶ Sampson Concrete - \$100,626.75

MOTION was made by Schwebs, seconded by Kolve, and carried unanimously on roll call vote to award the bid to Flatwork Specialists in the amount of \$58,316.16 contingent on the contractor providing the necessary bonding and insurance; and review and approval of the contractor’s references and experience by Cedar Corporation and the Public Works Director.

BIDS were received for Fire Station No. 1 HVAC Renovations as follows:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alt. No. 1</u> <u>- Doors</u>	<u>Alt.</u> <u>+ Humidifier</u>
▶ Halverson Brothers	\$130,630	-\$7,647	+ \$860
▶ Dell Construction	\$136,750	-\$8,500	
▶ Shefchik Builders	\$143,507	-\$12,509	+ \$971
▶ Boldt’s Plumbing & Htg.	\$152,900		
▶ Dakota Electric Services	\$161,123	\$9,563	+ \$1,100

MOTION was made by Brogan, seconded by Kolve, and carried unanimously on roll call vote to award the bid to Halverson Brothers in the amount of \$131,490 contingent on the contractor providing the necessary bonding and insurance.

BIDS were received for a ladder truck for the Fire Department as follows:

<u>Manufacturer</u>	<u>Base Bid</u>	<u>Additions</u>	<u>Total</u>
▶ Crimson	\$843,454	\$16,331	\$859,785
▶ Rosenbauer	\$849,954	\$9,000	\$858,954
▶ Pierce	\$843,995	\$1,860	\$845,855
▶ E-One	\$830,000	\$3,000	\$833,000
▶ Smeal	\$780,000	\$13,950	\$793,950

MOTION was made by Schwebs, seconded by Smith, and carried unanimously on roll call vote to award the bid to Pierce for \$845,855 as recommended by Fire Chief, Jack Baus.

MOTION was made by Brogan, seconded by Kolve, and carried to suspend the rules to hear from Sean Lentz of Ehlers & Associates. Mr. Lentz updated the Council on the bids that were received for the \$2,905,000 General Obligation Promissory Notes.

RESOLUTION NO. 17 providing for the issuance, sale and delivery of \$2,905,000 General Obligation Promissory Notes, Series 2010A, of the City of Menomonie, Wisconsin; establishing the terms and conditions therefor; directing their execution and delivery; creating a debt service account therefor; and awarding the sale thereof was introduced and moved for adoption by Brogan, seconded by Solberg, and carried unanimously on roll call vote.

RESOLUTION NO. 18 authorizing submittal of a Six Year Statement of Project Intentions to the Bureau of Aeronautics was introduced and moved for adoption by Smith, seconded by Brogan, and carried.

MAYOR’S REPORT Mayor Knaack described activities that he attended during the past two weeks.

COMMUNICATIONS AND MISCELLANEOUS BUSINESS Council Member White questioned the possibility of the Council members having municipal email accounts, and discussed the need for a new microphone system for the council chambers.

MOTION was made by Brogan, seconded by Solberg, and carried on roll call vote to approve payment of the following claims:

<u>Claims</u>	
CDW Government	\$29,982.23
Cardmember Services	5,440.83
Grafix Shoppe	662.66

Magnatrol	273.67
Pember Companies	1,000.00
Rhom Construction, LLC	39,100.36
Staab Construction Corp.	439,826.96
<b><u>Parking Utility Claims</u></b>	
Ron Koenig	\$107.25

LICENSES MOTION was made by White, seconded by Kolve, and carried to approve the amended license list as presented except for the Class “B” Beer and “Class B” Liquor license application of Padrino, Inc. (Dona Rita Mexican Restaurant, 1415 North Broadway).

MOTION was made by Brogan, seconded by Solberg, and carried to suspend the rules to hear from Alejandro Castro, representing Padrino, Inc. Mr. Castro explained to the Council that he does have a signed lease for the property at 1415 North Broadway and would like the Class “B” Beer and “Class B” Liquor license to be granted to Padrino, Inc. and then an application to transfer the license will be presented to the Council for consideration within a couple of weeks.

MOTION to approve the Class “B” Beer and “Class B” Liquor license application of Padrino, Inc. (Dona Rita Mexican Restaurant, 1415 North Broadway) and the Change of Agent to Cynthia Franco Castro (effective July 1, 2010) was made by Brogan, seconded by Schwebs, and carried on the following roll call vote: Ayes: Smith Soviak, Kemp, Schwebs, Kolve, Solberg and Brogan. Noes: White, Riedel and Gabriel.

MOTION to convene in closed session under Wisconsin Statutes 19.85 (1) (c), (e), and (g) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body had jurisdiction or exercises responsibility; deliberating or negotiating the purchase/sale of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved was made by Smith, seconded by Soviak, and carried on roll call vote.

MOTION to retain Weld Riley Law Firm to represent City in threatened litigation concerning the Menomonie Gateway Project Planned Unit Development approved by the Common Council on June 7, 2010, and after mayoral veto override on June 21, 2010 was made by Soviak, seconded by Schwebs, and carried on roll call vote.

MOTION to return to open session was made by Soviak, seconded by Riedel, and carried on roll call vote. Action taken was announced.

MOTION to adjourn was made by White, seconded by Soviak, and carried.

JoAnn L. Kadinger, City Clerk